

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

QWEST COMMUNICATIONS  
CORPORATION,

Plaintiff,

v.

OLYMPIC PENINSULA DEVELOPMENT  
CO., LLC,

Defendant.

CASE NO. C07-5147RJB

ORDER GRANTING MOTION  
TO WITHDRAW PURSUANT TO  
GR 2(g)(4)(A)

This matter comes before the Court on the defendant's Motion to Withdraw Pursuant to GR 2(g)(4)(A) (Dkt. 23). The Court has considered the pleadings filed in support of and in opposition to the motion and the remainder of the file herein.

**I. BACKGROUND AND DISCUSSION**

On March 26, 2007, the plaintiff filed a complaint seeking a permanent injunction and alleging willful violation of RCW 19.122 and conversion. Dkt. 1. On May 4, 2007, the plaintiff moved for entry of default. Dkt. 7. At the time, counsel for the defendant had appeared but failed to file an answer or a response to the motion. Dkt. 10 at 2. The Court granted the motion on May 8, 2007. Dkt. 10.

After the Order Granting Motion for Entry of Default (Dkt. 10) was entered, counsel for the defendant filed an answer, a declaration opposing the Motion for Entry of Default, and a

1 Notice of Withdrawal and Substitution of Attorneys Dkt. 11; Dkt. 12; Dkt. 13. The Court issued  
2 a Minute Order notifying counsel for the defendant that withdrawal requires leave of court. Dkt.  
3 21. Counsel for the defendant now moves to withdraw. Dkt. 23. The plaintiff has not responded.

4 The defendant's Motion to Set Aside Order of Default Under CR 60 (Dkt. 17) and the  
5 plaintiff's Motion for Entry of Default Judgment Under Rule 55 (Dkt. 14) are currently pending  
6 before the Court and noted for consideration on June 1, 2007. Dkt. 22.

## 7 II. DISCUSSION

8 Withdrawal of attorneys is governed by Local Rule GR (2)(g):

9 (A) No attorney shall withdraw an appearance in any cause, civil or criminal,  
10 except by leave of court. Leave shall be obtained by filing a motion or a  
11 stipulation for withdrawal or, if appropriate, by complying with the requirement of  
12 CrR 5(d)(2). A motion for withdrawal shall be noted in accordance with CR  
13 7(d)(2) or CrR 12(c)(7) and shall include a certification that the motion was  
14 served on the client and opposing counsel. A stipulation for withdrawal shall also  
15 include a certification that it has been served upon the client. The attorney will  
16 ordinarily be permitted to withdraw until sixty days before the discovery cut off  
17 date in a civil case.

18 (B) If the attorney for a corporation is seeking to withdraw, the attorney shall  
19 certify to the court that he or she has advised the corporation that it is required by  
20 law to be represented by an attorney admitted to practice before this court and that  
21 failure to obtain a replacement attorney by the date the withdrawal is effective  
22 may result in the dismissal of the corporation's claims for failure to prosecute  
23 and/or entry of default against the corporation as to any claims of other parties.

24 Local Rule GR(2)(g)(4).

25 The motion is accompanied by a certification that the motion was served on the client as  
26 required by Local Rule GR 2(g)(4)(A). *See* Dkt. 23-3. The Motion to Withdraw is apparently  
27 necessitated by a conflict of interest. Dkt. 24. The defendant has obtained substitute counsel,  
28 indicating that the purposes of Local Rule GR 2(g)(4) have been satisfied. The Court should grant  
the motion.

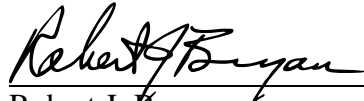
## 29 III. ORDER

30 Therefore, it is hereby

31 **ORDERED** that attorney Gary Colley of the firm of Platt Irwin Taylor's Motion to  
32 Withdraw Pursuant to GR 2(g)(4)(A) (Dkt. 23) is **GRANTED**.

1 The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel  
2 of record and to any party appearing *pro se* at said party's last known address.

3 DATED this 31<sup>st</sup> day of May, 2007.

4  
5   
6 Robert J. Bryan  
United States District Judge